

"Express Mail" mailing label number EV 339 772 539 U.S.

Date of Deposit July 29, 2003.

**REQUEST FOR FILING A CONTINUING PATENT APPLICATION UNDER 37 CFR § 1.53(b)(1)**

Case No.	ANTICIPATED CLASSIFICATION OF THIS APPLICATION		PRIOR APPLICATION EXAMINER	ART UNIT
9683/157	CLASS	SUBCLASS	Applah, Charles Nana	2682

Address to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR § 1.53(b)(1), of pending prior application number 09/446,295, filed on December 17, 1999, entitled RADIO COMMUNICATION SYSTEM FREQUENCY ALLOCATION METHOD AND FREQUENCY ALLOCATION DEVICE.

- ☒ Copy Of The Prior application, including 15 sheets of drawings, 29 pages of Application (including title page).
- ☒ Copy of the Declaration filed in the Prior application.
- ☐ PTO Form 1449 and Information Disclosure Statement.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	14 - 20 =		x \$ 18 =	\$
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	3 - 3 =		x \$ 84 =	\$
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$280 =	\$ 0.00
			BASIC FEE (37 CFR 1.16(a))		\$ 750
			Total of above Calculations =		\$
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28)				\$
			TOTAL =		\$750

- ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27  
☐ is enclosed.  
☐ was filed in prior application number \_\_\_\_\_ and such status is still proper and desired (37 CFR 1.28(a)).
- ☒ The Commissioner is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ Enclosed is a check for \$ 750 to cover the filing fees.
- ☐ Cancel in this application original claims \_\_\_\_\_ of the prior application and otherwise enter the attached preliminary amendment before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).
- ☒ The inventor(s) of the invention being claimed in this application is(are): \_\_\_\_\_.
- ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 CFR 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application: \_\_\_\_\_.

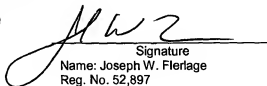
22341 U.S. PTO  
10/629054  
07/29/03

Rev. Oct.-01

10. ☐ Amend the specification by inserting before the first line the sentence: "This application is a ☐ continuation ☐ division of application number \_\_\_\_\_, filed \_\_\_\_\_, (pending), which is hereby incorporated by reference herein."
11. ☒ New formal drawings are enclosed.
12. ☐ Priority of foreign application number \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. 119.  
☐ The certified copy has been filed in prior application number \_\_\_\_\_, filed \_\_\_\_\_
13. ☒ A communication enclosed.
14. ☐ The prior application is assigned of record to \_\_\_\_\_.
15. ☐ Also enclosed: \_\_\_\_\_.
16. ☒ The power of attorney in the prior application is to: Tadashi Horie and other attorneys at the firm of BRINKS HOFER GILSON & LIONE.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ Address all future correspondence to: (may only be completed by applicant, or attorney or agent of record.)

July 29, 2003  
Date

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610  
(312)321-4200

  
Signature  
Name: Joseph W. Flerlage  
Reg. No. 52,897

- ☐ Inventor(s)  
☐ Assignee of complete interest  
☐ Attorney or agent of record  
☒ Filed under 37 CFR 1.34(a)  
Registration Number if acting under 37 CFR 1.34(a): 52,897.

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23241 U. S. PTO  
10/629054  
07/29/03

Our Case No. 9683/157

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Tomoaki Hirayama, et al. )  
Serial No. To Be Assigned )  
Filing Date: Herewith ) Examiner Appiah, Charles Nana  
For: RADIO COMMUNICATION SYSTEM, ) Group Art Unit No. 2682  
FREQUENCY ALLOCATION METHOD )  
AND FREQUENCY ALLOCATION DEVICE )

**COMMUNICATION**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

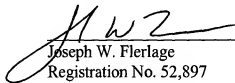
As permitted by 37 C.F.R. § 1.63(d)(1)(i-iv) and MPEP § 201.06(c) Applicants have filed herewith a copy of the original Declaration and a new specification and drawings. The accompanying new specification and drawings differ from the original specification and drawings for parent case Serial No. 09/446,295 in the following ways:

- 1) A reference to the parent application has been added to the first paragraph of the application as required by 37 C.F.R. § 1.78.
- 2) Paragraph numbers have been used pursuant to 37 C.F.R. § 1.52(b)(6).
- 3) Present claims 1-14 have been substituted for the original claims.
- 4) Formal drawings including identification indicia pursuant to 37 C.F.R. 1.84(c) are submitted.

Applicants' corrected specification and drawings are provided to take advantage of the provisional rights potentially available to Applicants under 35 U.S.C. § 154(d). Applicants submit that no new matter has been added.

Respectfully submitted,

July 29, 2003

  
Joseph W. Flerlage  
Registration No. 52,897  
Attorney for Applicant

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